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PATENT
ATTORNEY DOCKET NO. 38184.03402US
U.S. Serial No. 10/821,326**In the claims:**

Please amend the claims as indicated herein. This listing of claims will replace all previous listings.

Claims 1-22 (Cancelled).

23. (Currently Amended) A method for preserving a wood product comprising the step of contacting the product with a wood preservative composition comprising: (a) an ~~an~~-micronized particles of an inorganic biocide selected from the group consisting of a metal, metal compound and combinations thereof; and (b) one or more organic biocides, ~~wherein the inorganic biocide or the organic biocide is present as micronized particles.~~

24. (Previously Presented) The method of claim 23, further comprising the step of pressure treating the wood product with the wood preservative composition.

25. (Currently Amended) The method of claim 23, wherein the wood preservative composition comprises both the inorganic biocide and micronized particles of the organic biocide ~~are present as micronized particles.~~

26. (Currently Amended) The method of claim 23, wherein the micronized particles of the inorganic biocide ~~is~~ are copper, nickel, silver, or zinc or and compounds thereof.

27. (Currently Amended) The method of claim 26, wherein the copper compound is ~~selected from the group consisting of~~ copper hydroxide, copper oxide, copper carbonate, basic copper carbonate, copper oxychloride, ~~copper 8-hydroxyquinolate, copper dimethyldithiocarbamate, copper omadine and or~~ copper borate.

28. (Currently Amended) The method of claim 23, wherein the micronized particles of the inorganic biocide are ~~is~~ copper carbonate or copper hydroxide and the organic biocide is a quaternary ammonium compound selected from the group consisting of

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alkyldimethylbenzylammonium chloride, dimethyldidecylammonium chloride, ~~and~~ dimethyldidecylammonium carbonate, and dimethyldidecylammonium bicarbonate.

29. (Currently Amended) The method of claim 28, wherein the micronized particles of the inorganic biocide are is copper carbonate and the organic biocide is dimethyldidecylammonium carbonate.

30. (Currently Amended) The method of claim 29, wherein ~~the size of the~~ micronized particles of the copper carbonate ~~partieles is~~ are between 0.005 and 25 microns.

31. (Currently Amended) The method of claim 23, wherein the micronized particles of the inorganic biocide is are copper carbonate and the organic biocide is tebuconazole.

Claims 32-33 (Cancelled).

34. (Previously Presented) The method of claim 23, wherein the wood preservative composition for treating wood further comprises an agent selected from the group consisting of water repellants, colorants, emulsifying agents, dispersants, stabilizers and UV inhibitors.

Claims 35-37. (Cancelled)

38. (Currently Amended) A method for wood preservation comprising the steps of treating wood with a composition comprising micronized particles of an inorganic biocide selected from the group consisting of a metal, or metal compounds or ~~and combinations thereof, wherein the size of the micronized particles is~~ between 0.005 and 25 microns.

39. (Currently Amended) The method of claim 38, wherein the micronized particles of the metal or metal compounds comprise ~~are selected from the group consisting of~~ copper, nickel, silver, or zinc or ~~and~~ compounds thereof.

40. (Currently Amended) The method of claim 38, wherein the micronized particles of the ~~comprise~~ metal or metal compounds comprise ~~selected from the group consisting of~~ copper, copper hydroxide, copper oxide copper carbonate, basic copper carbonate, copper oxychloride,

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~~copper-8-hydroxyquinolate, copper-dimethyldithiocarbamate, copper-omadine, or copper borate and or combinations thereof.~~

41. (Currently Amended) The method of claim 40, wherein the micronized ~~particle~~ particles are size is between 0.005 and 10 microns.

42. (Currently Amended) The method of claim 41, wherein the micronized ~~particle~~ particles are size is between 0.05 and 1.0 microns.

43. (Original) The method of claim 40, wherein the treatment of wood is carried out by a process selected from the group consisting of pressure treatment, spraying, dipping and brushing.

44. (Original) The method of claim 43, wherein the treatment of wood is carried out by pressure treatment.

45. (Previously Presented) The method of claim 38 wherein the wood is treated with a wood preservative composition further comprising an agent selected from the group consisting of water repellants, colorants, emulsifying agents, dispersants, stabilizers and UV-inhibitors.

Claims 46-56. (Cancelled).

57. (Currently Amended) The method of claim 23, wherein the micronized particles of the inorganic biocide are is-copper carbonate hydroxide and the organic biocide is a ~~compound selected from the group consisting of~~ a fungicide, insecticide, algacide, moldicide or bactericide the compounds in Table I.

Claims 58-95 (Cancelled).

96. (Currently Amended) The method of claim 23, wherein the micronized particles of the inorganic biocide have a size of between 0.001 microns to 25 microns.

97. (Currently Amended) The method of claim 96, wherein the micronized particles of the inorganic biocide have a size of between 0.001 microns to 10 microns.

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98. (Currently Amended) The method of claim 97, wherein the micronized particles of the inorganic biocide have a size of between 0.05 microns to 10 microns.

99. (Currently Amended) The method of claim 98, wherein the micronized particles of the inorganic biocide have a size of between 0.05 microns to 1.0 microns.

100. (Currently Amended) The method of claim 28, wherein the micronized particles of the inorganic biocide is copper carbonate and the organic biocide is dimethyldidecylammonium bicarbonate.

101. (Currently Amended) The method of claim 30, wherein ~~the size of the~~ micronized copper carbonate particles are ~~is~~ between 0.05 and 25 microns.

102. (Currently Amended) The method of claim 101, wherein ~~the size of the~~ micronized copper carbonate particles are ~~is~~ between and 0.05 and 10 microns.

103. (Currently Amended) The method of claim 102, wherein ~~the size of the~~ micronized copper carbonate particles are ~~is~~ between 0.05 and 1 microns.

104. (Currently Amended) The method for wood preservation of claim 38 ~~comprising the steps of treating wood with a composition comprising micronized particles selected from the group consisting of metal, metal compounds and combinations thereof~~, wherein the size of the micronized particles of the metal or metal compound are is between 0.05 and 10 microns.

105. (Currently Amended) The method for wood preservation of claim 104 ~~comprising the steps of treating wood with a composition comprising micronized particles selected from the group consisting of metal, metal compounds and combinations thereof~~, wherein the size of the micronized particles of the metal or metal compound are ~~is~~ between 0.05 and 1 microns.

106. (New) A method for preserving a wood product comprising the steps of (a) adding water to a concentrated wood preservative composition comprising a copper carbonate between 0.005 and 25 microns to prepare a treating fluid and (b) pressure treating a wood product with the treating fluid.

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107. (New) The method of claim 106, wherein the wood preservative composition further comprises tebuconazole.

108. (New) The method of claim 107, wherein the micronized copper carbonate particles are between 0.05 and 1 microns.

109. (New) The method of claim 106, wherein the micronized copper carbonate particles are between 0.05 and 10 microns.

110. (New) The method of claim 106, wherein the micronized copper carbonate particles are between 0.05 and 1 microns.

111. (New) The method of claim 106, wherein the wood preservative composition further comprises a quaternary ammonium compound.

112. (New) The method of claim 111, wherein the quaternary ammonium compound is didecyldimethyl ammonium carbonate.

113. (New) The method of claim 111, wherein the quaternary ammonium compound is didecyldimethyl ammonium bicarbonate.

114. (New) The method of claim 111, wherein the quaternary ammonium compound is alkyl dimethylbenzylammonium chloride, dimethyldidecylammonium chloride, dimethyldidecylammonium carbonate, or dimethyldidecylammonium bicarbonate.

115. (New) The method of claim 111, wherein said treatment produces a uniform distribution of copper throughout the wood product.

116. (New) A method for preserving a wood product comprising the steps of contacting a wood preservative composition comprising a milled copper carbonate with a particle size of between 0.005 and 25 microns.

117. (New) The method of claim 116, further comprising tebuconazole.

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118. (New) The method of claim 116, wherein the wood preservative composition further comprising a quaternary ammonium compound.

119. (New) The method of claim 116, wherein the wood preservative composition further comprising didecylmethyl ammonium carbonate.

120. (New) The method of claim 116, wherein the wood preservative composition further comprising didecylmethyl ammonium bicarbonate.

121. (New) The method of claim 118, wherein the quaternary ammonium compound is alkyldimethylbenzylammonium chloride, dimethyldidecylammonium chloride, dimethyldidecylammonium carbonate, or dimethyldidecylammonium bicarbonate.

122. (New) The method of claim 116, wherein said treatment produces a uniform distribution of copper throughout the wood product.

123. (New) A method for preserving a wood product comprising the step of contacting the product with a wood preservative composition comprising: (a) an inorganic biocide selected from the group consisting of a metal, metal compound and combinations thereof; and (b) micronized particles of one or more organic biocides.

124. (New) The method of claim 123, wherein the inorganic biocide is selected from the group consisting of copper nitrate, copper sulfate and copper acetate.

125. (New) A method for preserving a wood product comprising the step of contacting the product with an aqueous wood preservative composition comprising: (a) micronized particles of

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copper carbonate between 0.05 and 1 microns; (b) dimethyldidecylammonium carbonate; and (c) dimethyldidecylammonium bicarbonate.

126. (New) The method of claim 125, wherein said treatment produces a uniform distribution of copper throughout the wood product.

127. (New) The method of claim 125, wherein the wood product after the contacting step is resistant to decay and insect attack.

128. (New) The method of claim 126, wherein the wood product after the contacting step is resistant to decay and insect attack.

129. (New) A method for preserving a wood product comprising the step of contacting the product with an aqueous wood preservative composition comprising: (a) micronized particles of copper carbonate milled to between 0.05 and 1 microns; (b) dimethyldidecylammonium carbonate; and (c) dimethyldidecylammonium bicarbonate.

130. (New) The method of claim 129, wherein said treatment produces a uniform distribution of copper throughout the wood product.

131. (New) The method of claim 129, wherein the wood product after the contacting step is resistant to decay and insect attack.

132. (New) The method of claim 130, wherein the wood product after the contacting step is resistant to decay and insect attack.

133. (New) A method for preserving a wood product comprising the step of contacting the

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product with an aqueous wood preservative composition comprising: (a) micronized particles of copper carbonate milled to between 0.05 and 1 microns.

134. (New) The method of claim 133, wherein said treatment produces a uniform distribution of copper throughout the wood product.

135. (New) The method of claim 133, wherein the wood product after the contacting step is resistant to decay and insect attack.

136. (New) The method of claim 134, wherein the wood product after the contacting step is resistant to decay and insect attack.

137. (New) A method for preserving a wood product comprising the step of contacting the product with an aqueous wood preservative composition comprising: (a) micronized particles of copper carbonate between 0.05 and 1 microns; and (b) tebuconazole.

138. (New) The method of claim 137, wherein said treatment produces a uniform distribution of copper throughout the wood product.

139. (New) The method of claim 137, wherein the wood product after the contacting step is resistant to decay and insect attack.

140. (New) The method of claim 138, wherein the wood product after the contacting step is resistant to decay and insect attack.

141. (New) A method for preserving a wood product comprising the step of contacting the product with an aqueous wood preservative composition comprising: (a) micronized particles of

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copper carbonate milled to between 0.05 and 1 microns; and (b) tebuconazole.

142. (New) The method of claim 141, wherein said treatment produces a uniform distribution of copper throughout the wood product.

143. (New) The method of claim 141, wherein the wood product after the contacting step is resistant to decay and insect attack.

144. (New) The method of claim 142, wherein the wood product after the contacting step is resistant to decay and insect attack.

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Remarks

Applicants timely submit this response to the Examiner's Office Action of April 2, 2008 within the shortened statutory period falling on July 2, 2008. The Office Action has been carefully reviewed and the following remarks are made in response thereto. Claims 23, 25-31, 38-42, 57, and 96-105 have been amended. Claims 32, 33, 35-37, and 46-48 have been cancelled. Claims 106-144 have been added.

Support for "particles" of Claims 23, 25-26, 28-31, 38-42, 57, 96-106, 125, 127, 131, 135, 139 and 143 may be found throughout the specification but at least at paragraphs 8, 24, 26, 27 and 33 of this application and at least at lines 20-24 of page 3, lines 10-19 of page 5 of U.S. Provisional Application No. 60/461,547, filed Apr. 9, 2003.

Support for "a milled" of Claims 106, 119, 131, 135 and 143 may be found at least at paragraph 27 of this application and Examples 1-4 of this application and at least at line 1 of page 4, at lines 4-5 of page 5, Examples 1-4 of U.S. Provisional Application No. 60/518,994, filed Nov. 11, 2003.

Support for "a fungicide, insecticide, algacide, moldicide and bactericide" of Claim 57 can be found at least at paragraph 29 of this application and at least at lines 1-6 of page 6 of U.S. Provisional Application No. 60/461,547, filed Apr. 9, 2003.

Support for "tebuconazole" of Claims 31, 107, 139 and 143 can be found at least at Table 1 and Examples 3, 10 and 11 of this application and at least at Example 6 of U.S. Provisional Application No. 60/461,547, filed Apr. 9, 2003.

Support for "copper carbonate" of Claims 28-31, 57, 100-103, 106, 108-113, 119, 127, 131, 135, 139 and 143 can be found at least at paragraphs 26 and Examples 2, 3, 9, 10, 13 of this application and at least at lines 10-19 of page 5 of U.S. Provisional Application No. 60/461,547, filed Apr. 9, 2003.

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Support for "quaternary ammonium compound" in Claims 28, 114-117, 120 and 123 can be found at least at paragraph 30 of this application and at least at lines 1-3 of page 3 of U.S. Provisional Application No. 60/461,547, filed Apr. 9, 2003.

Support for "didecyltrimethylammonium carbonate, or didecyltrimethylammonium bicarbonate" in Claims 28, 29, 100, 115-117, 121-123, 127 and 131 can be found at least at paragraph 30 and Examples 7 and 8 of this application and at least at Example 3 of U.S. Provisional Application No. 60/461,547, filed Apr. 9, 2003.

Support for "uniform distribution of copper" of Claims 118, 124, 128, 132, 136, 140 and 144 can be found at least at paragraph 45 and Examples 6, 9, 10 of this application and at least at Examples 2 and 4 of U.S. Provisional Application No. 60/461,547, filed Apr. 9, 2003.

In view of the amendments and following remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

I. Interview Summary

Applicants and Applicants' representative sincerely thank the Examiner for the courtesy of an interview. Applicants' representative, Einar Stole, and the Examiner discussed all pending claims and all rejections of the pending claims. The Examiner and Applicants' representative also discussed claim language that is embodied in the attached amendment. Applicants' representative noted that the components disclosed in the cited references are not micronized particles.

II. Summary of the Office Action

1. Upon entry of the attached amendment, claims 23-31, 34, 38-45, 57, 96-144 will be pending.

2. Claim 57 is rejected as allegedly indefinite for recites "biocides listed in Table 1."